

**In The United States Patent and Trademark Office
On Appeal From The Examiner To The Board
of Patent Appeals and Interferences**

In re Application of: James D. Linder
Serial No.: 10/034,491
Filing Date: December 27, 2001
Confirmation No. 1247
Group Art Unit: 2174
Examiner: Ryan F. Pitaro
Title: COMPUTER AIDED DESIGN SYSTEM HAVING
BUSINESS PROCESS ATTRIBUTES

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Reply Brief

Appellant respectfully submits this Reply Brief under 37 C.F.R. § 41.41(a)(1) in response to the Examiner's Answer mailed November 5, 2007.

On September 13, 2006, Appellant filed a Notice of Appeal from a Final Office Action mailed July 14, 2006. On July 14, 2007, Appellant filed an Appeal Brief explaining clearly and in detail why the final rejection of Claims 1-16 and 18-24 is improper. On November 5, 2007, the Examiner mailed an Examiner's Answer to Appellant's Appeal Brief. Appellant maintains that the final rejection of Claims 1-16 and 18-24 is improper and responds to the Examiner's Answer below.

Argument

Appellant filed an Appeal Brief on July 14, 2007, explaining clearly and in detail why Appellant contends that the rejections of Claims 1-16 and 18-24 are improper and should be reversed by the Board. The following discussion focuses primarily on the Examiner's arguments presented in the "Response to Arguments" section of the Examiner's Answer (pp. 8-10).

I. Overview

The Examiner's Answer fails to address the merits of Appellant's contentions in the Appeal Brief. Instead, the Examiner makes a new argument on Page 8 that the specific business process attributes recited in Appellant's claims are "non-functional descriptive material," but this is incorrect. The M.P.E.P. explains that non-functional descriptive material "includes but is not limited to music, literary works, and a compilation or mere arrangement of data." M.P.E.P. § 2106.01. On the other hand, functional descriptive material "consists of data structures and computer programs which impart functionality when employed as a computer component." M.P.E.P. § 2106.01. Appellant respectfully submits that the business process attribute data is not a mere compilation of data. Instead, the business process attribute data imparts functionality by being linked to a digital model data set, "such that users of the data processing system are displayed business process attribute display elements when a display element associated with a mechanical component defined by the digital model data set is displayed to the user," as recited by Claim 1, for example. Therefore, the business process attribute data does impart functionality because the specific types of business process attributes determine the business process attribute display elements displayed to a user.

In essence conceding that the cited references do not teach or suggest the specific business process attributes recited in Appellant's claims, the Examiner is now apparently arguing that any disclosure of generic attributes anticipates Appellant's claims, but this is improper.¹ As discussed in Appellant's Appeal Brief at Page 14, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of*

¹ Appellant notes that Appellant has not had an opportunity to clarify the Examiner's argument since it was made for the first time in the Examiner's Answer.

California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, “[t]he identical invention must be shown in as complete detail as contained in the . . . claim.” M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Therefore, Appellant respectfully submits that the mere disclosure of generic attributes does not teach or suggest the specific business process attributes recited in Appellant’s claims.

The Examiner presents other arguments and repeats arguments presented in previous Office Actions. Therefore, Appellant relies on the arguments presented in the Appeal Brief, but will also briefly address the other assertions made in the Examiner’s Answer.

II. *Badders* does not disclose displaying business process attribute display elements when a mechanical component is displayed to the user

As discussed in Appellant’s Appeal Brief at Pages 14-15, Claim 18 is allowable at least because *Badders* fails to disclose “a business process attribute data set linked to the digital model data set . . . such that users of the data processing system are displayed business process attribute display elements when a display element associated with a mechanical component defined by the digital model data set is displayed to the user.” In the Examiner’s Answer on Page 9, the Examiner contends that *Badders* discloses this limitation because *Badders* teaches extracting and providing CAD drawing attribute information to a user, but this is incorrect. Extracting and providing attribute information to a user in a hard copy report does not teach or suggest displaying business process attributes **when a mechanical component is displayed to the user**. *Badders* teaches extracting attribute information from a finished CAD drawing in CAD memory into a hard copy report (such as a spreadsheet). See *Badders* Column 4, line 65 - Column 5, line 13. That is, *Badders* teaches that the information is extracted from memory after the CAD drawing is finished. See *Badders* Column 4, line 65 - Column 5, line 13. Therefore, any attribute data provided to the user in *Badders* is not displayed “when a display element associated with a mechanical component defined by the digital model data set is displayed to the user,” as recited in Claim 18.

For at least these reasons, as well as the reasons provided in the Appeal Brief, Appellant respectfully submits that *Badders* does not disclose “a business process attribute data set linked to the digital model data set . . . such that users of the data processing system are displayed business process attribute display elements when a display element associated

with a mechanical component defined by the digital model data set is displayed to the user,” as recited in Claim 18 and as similarly recited in Claims 1, 3, and 12. For at least these reasons, Appellant respectfully submits that Claims 1, 3, 12, and 18 as well as the claims that depend from these independent claims are in condition for allowance. Therefore, Appellant respectfully requests allowance of these claims.

III. *Badders* does not disclose automatically inferentially applying business process attributes

As discussed in Appellant’s Appeal Brief at Page 15, Claim 12 is allowable also at least because *Badders* does not teach or suggest “automatically inferentially applying business process attributes to features within the digital model data set.” In the Examiner’s Answer on Page 9, the Examiner contends that *Badders* discloses this limitation because *Badders* teaches appending graphical attribute information into a corresponding database file and automatically providing the additional extracted attribute information to the user, but this is incorrect. Appending graphical attribute information and providing the extracted attribute information to a user in a hard copy report does not teach or suggest automatically inferentially **applying business process attributes to features within the digital model data set**. Again, *Badders* teaches extracting attribute information from a finished CAD drawing in CAD memory into a hard copy report (such as a spreadsheet). *See Badders* Column 4, line 65 - Column 5, line 13. At no point does *Badders* teach or suggest automatically applying business process attributes to features. Instead, *Badders* indicates that attribute information relating to components is entered manually by a user of the CAD software. *See Badders*, Column 4 lines 57-65.

For at least these additional reasons, as well as the reasons provided in the Appeal Brief, Appellant respectfully submits that *Badders* does not disclose “automatically inferentially applying business process attributes to features within the digital model data set,” as recited in Claim 12. For at least these additional reasons, Appellant respectfully submits that Claim 12 as well as the claims that depend from this independent claim are in condition for allowance. Therefore, Appellant respectfully requests allowance of these claims.

IV. *Badders* does not disclose safety information defining a safety level parameter

As discussed in Appellant's Appeal Brief at Page 16, Claim 3 is allowable also at least because *Badders* does not teach or suggest "wherein the business process attribute comprises safety information defining a safety level parameter associated with a component represented in the digital model data set." In the Examiner's Answer on Page 9, the Examiner contends that *Badders* discloses this limitation because *Badders* teaches OSHA data, but this is incorrect. *Badders* does not show a business process attribute that comprises safety information defining a **safety level parameter**. OSHA data are not **safety level parameters**, even if it is contended that OSHA data relates to safety.

For at least these additional reasons, as well as the reasons provided in the Appeal Brief, Appellant respectfully submits that *Badders* does not disclose "wherein the business process attribute comprises safety information defining a safety level parameter associated with a component represented in the digital model data set," as recited in Claim 3. For at least these additional reasons, Appellant respectfully submits that Claim 3 as well as the claims that depend from this independent claim are in condition for allowance. Therefore, Appellant respectfully requests allowance of these claims.

V. The cited references do not disclose quality level information

As discussed in Appellant's Appeal Brief at Page 16, Claim 13 is allowable also at least because the cited references do not teach or suggest "wherein the business process attribute comprises a quality information attribute and wherein the business process attribute display instance specifies quality level information." In the Examiner's Answer on Page 9, the Examiner contends that *Thackston* discloses this limitation because *Thackston* teaches standards and specifications defining quality assurance information, but this is incorrect. *Thackston* teaches providing the name of the manufacturing standard, such as a Department of Defense document identifier, such as MIL-STD-5556.8. See *Thackston*, Column 16, lines 36-46. However, the name of a manufacturing standard does not teach or suggest a **quality level**.

For at least these additional reasons, as well as the reasons provided in the Appeal Brief, Appellant respectfully submits that *Thackston* does not disclose "wherein the business process attribute comprises a quality information attribute and wherein the business process attribute display instance specifies quality level information," as recited in Claim 13 and as

similarly recited in Claims 2, 8, and 19. For at least these additional reasons, Appellant respectfully submits that Claims 2, 8, 13, and 19 are in condition for allowance. Therefore, Appellant respectfully requests allowance of these claims.

VI. The cited references do not disclose revision information associated with features within the digital model data set

As discussed in Appellant's Appeal Brief at Page 17, Claim 15 is allowable also at least because the cited references do not teach or suggest "displaying instances of features within the digital model data set which are associated with such business process attributes" and "wherein the business process attribute display instance specifies revision information associated with the feature to which the revision information business attribute is linked." In the Examiner's Answer on Page 10, the Examiner contends that *Thackston* discloses this limitation because *Thackston* teaches history information and copy version numbers associated with the CAD part design model, but this is incorrect. *Thackston* describes that version numbers of documents are maintained as part of *Thackston's* electronic document control. See *Thackston*, Column 14 line 65 - Column 15 line 3 and Column 16, lines 1-4. However, at no point does *Thackston* disclose displaying revision information **associated with features within the digital model data set**.

For at least these additional reasons, as well as the reasons provided in the Appeal Brief, Appellant respectfully submits that *Thackston* does not disclose "displaying instances of features within the digital model data set which are associated with such business process attributes" and "wherein the business process attribute display instance specifies revision information associated with the feature to which the revision information business attribute is linked," as recited in Claim 15 and as similarly recited in Claims 4, 10, and 21. For at least these additional reasons, Appellant respectfully submits that Claims 4, 10, 15, and 21 are in condition for allowance. Therefore, Appellant respectfully requests allowance of these claims.

VII. The cited references do not disclose an information address attribute related to a component associated with data within the digital model data set

As discussed in Appellant's Appeal Brief at Page 17, Claim 5 is allowable also at least because the cited references do not teach or suggest "wherein the business process

attribute comprises an information address attribute . . . related to a component associated with data within the digital model data set.” In the Examiner’s Answer on Page 10, the Examiner contends that *McCloskey* discloses this limitation because *McCloskey* “clearly points out that a reference used to associate the part shown in a CAD drawing to the part data can be embedded,” but this is incorrect. At no point does *McCloskey* provide such teaching and a citation to such teaching is conspicuously absent from the Examiner’s Answer. Appellant respectfully submits that the cited portion of *McCloskey* in the Final Office Action merely discloses a file address for a displayed CAD drawing. For example, *McCloskey* describes embedding a file address to a CAD drawing using standard features of AutoCAD.RTM. See *McCloskey*, Paragraph 59. However, at no point does *McCloskey* teach or suggest an information address attribute **related to a component within the digital model data set**.

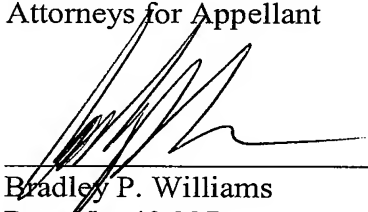
For at least these additional reasons, as well as the reasons provided in the Appeal Brief, Appellant respectfully submits that *McCloskey* does not disclose “wherein the business process attribute comprises an information address attribute . . . related to a component associated with data within the digital model data set,” as recited in Claim 5 and as similarly recited in Claims 11, 16, and 22. For at least these additional reasons, Appellant respectfully submits that Claims 5, 11, 16, and 22 are in condition for allowance. Therefore, Appellant respectfully requests allowance of these claims.

Conclusion

Appellant has demonstrated that the present invention, as claimed, complies with all statutory requirements for a U.S. Patent. Therefore, Appellant respectfully requests the Board to reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance with respect to all pending claims.

Appellant believes no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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